

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 15, 2003

CALL TO PODIUM:

Mark DePoe

RESPONSIBLE STAFF:

Mark DePoe,
Long Range Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing "JOINT"
	Historic District
	Consent Item
	Ordinance
X	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	7/02/2003
	7/09/2003
Hearing Date	7/21/2003
Record Held Open	9/10/2003
Policy Discussion	9/15/2003

TITLE: Policy Discussion and Resolution

MP-1-03: Master Plan Amendment, 2003 Master Plan Land Use Element and Process and City Overview.

SUPPORTING BACKGROUND:

Gaithersburg, as an incorporated city, is subject to Article 66B—Land Use, of the Annotated Code of Maryland. Section 3.05, of Article 66B, requires that the City's Master Plan shall be reviewed and if necessary revised or amended at least once every six years. Section 3.05(a)(1) requires that the Planning Commission "shall make and approve a plan which the commission shall recommend" to the Mayor and City Council.

The Master Plan is made up of a number of specific Elements and a decision was made to review and update each Element individually. The first element to be amended is the 2003 Land Use Element. The 2003 Land Use Plan Element Master Plan Amendment is recommending, revising and amending the City's current Master Plan. The land use plan includes fifty-seven separate map designations, five of the ten special study areas, and supporting information. The land use proposals described in the draft 2003 Land Use Element have been formulated utilizing a series of stakeholders meetings, Mayor and City Council and Planning Commission joint work sessions, and staff's professional judgment and knowledge of the City. Citizen participation has been an integral part of the preparation of the Master Plan.

The Mayor & Council and Planning Commission held their Joint Public Hearing on July 21, 2003. A few letters have been received by this office since the public hearing and have been provided as a Policy Discussion attachment. [See Exhibit 4] The Planning Commission record was closed as of September 2, 2003. The Planning Commission at their September 3, 2003 meeting reviewed the proposed Master Plan Amendment and has forwarded their recommendation of approval to the Mayor and City Council. The Mayor and City Council record was closed as of September 10, 2003. Per the discussions from the public hearing and the Planning Commission recommendation of approval, staff has drafted and attached a resolution which adopts the proposed Master Plan amendment for the Mayor and City Council to review. A revised tentative schedule to begin the amendment and review of the remaining Master Plan Elements and five Special Study Areas will be available to the public in the near future.

Attached:

Exhibit 1: MP-1-03 Joint Public Hearing Transcript
Exhibit 2: Communication: Planning Commission
Exhibit 3: Planning Commission Resolution PCR-2-03
Exhibit 4: Correspondence/Letters
Exhibit 5: Draft Resolution Adopting Master Plan Amendment
Draft 2003 Land Use Element [Previously Distributed]

DESIRED OUTCOME:

Hold Policy Discussion and Review and Approve Resolution Adopting Master Plan Amendment.

TRANSCRIPT OF

JOINT PUBLIC HEARING

ON

MP-1-03

**Master Plan Amendment, 2003 Land Use
Plan, an Element of the City of Gaithersburg
Master Plan**

BEFORE THE

CITY OF GAITHERSBURG

MAYOR AND CITY COUNCIL

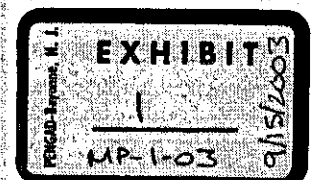
AND

PLANNING COMMISSION

ON

July 21, 2003

Transcribed by
Doris R. Stokes
July, 2003



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Edens
Council Member Marraffa
Council Member Schilchting
Council Member Somerset

Absent: Council Member Alster

PLANNING COMMISSION

Chair Keller
Commissioner Levy
Commissioner Winborne

Absent: Vice Chair Bauer and Commissioner Hicks

CITY MANAGER

David B. Humpton

CITY ATTORNEY

Stanley D. Abrams

STAFF

Long Range Planning Director DePoe

SPEAKERS FROM THE PUBLIC

Rodney Durst, 21 Cedar Avenue, Historic Preservation Advisory Committee
Janice Erickson, 205 Longdraft Road, Bennington Community Association Board of Director
Richard Arkin, 121 Selby Street
Robert Fireovid, 31 Goodport Court
Mark Hackman, 64 Appleseed Lane
Daniel Reeder, 11520 Game Preserve Road
Michael Sesma, 710 Hope Lane, West Riding Community
Rhonda Gurdian, 9025 Centerway Road
Joan Falcao, 31 Goodport Court
Chantal Preuninger, 4 Sanders Court
Nick (inaudible), 9312 Tulip Grove Road
Rick Marvin, 223 Little Quarry Road

Katz The item on our agenda is a joint public hearing and tonight we have one joint public hearing on the agenda and that's the 2003 Master Plan Use Element Amendment. And I am assuming that when Mark DePoe gets set up there, that he will be introducing the public hearing. Ok. Please Mark.

DePoe Thank you. Once again this is the 2003 Master Plan Land Use Element Amendment, MP-1-03. And at this time, I will just go right into the PowerPoint presentation to go what we are presenting for the current Land Use element of Master Plan. The Mayor and City Council, Planning Commission and City staff and the citizens of Gaithersburg began a process of updating the Master Plan by creating a vision for the community in 2002. The process has continued up to tonight's public hearing, through a number public stakeholders meeting and work sessions and public agency meetings and responses. The Master Plan is made up of number of specific elements and a decision was made to review and update each element individually. The first element to be reviewed is the 2003 Land Use Element. The 2003 Land Use Element Maser Plan Amendment is recommending revising and amending the City's current Master Plan. The draft land use element primary consist of three sections: 1) Master Plan Process and City Overview; 2) Map Designations; and 3) Special Study Areas. Tonight I will be going through the three sections and the contents of the draft 2003 Master Plan Land Use Element which was made available to the public on May 8, 2003, and placed on the City's Master Plan Website. The Master Plan process and City Overview consist of eight Subsections. Subsection One – To the Reader. This is an introduction to the Master Plan which discusses the revised approach. The City has selected to revise the approach for preparing its land use element from the review and update of planning neighborhoods to the review and update of special study areas and planning map designations through a theme-based approach. And as you know, the current Master Plan divides the City into six neighborhoods for land use planning purposes. The Land Use Element eliminates these neighborhoods and

most of the City in its entirety. This is also where we were first introduced to the map designations and special study areas. And this is a combination which illustrates all the map designations and special study areas within the City to show the full scope. We were also introduced to the City Themes and the Master Plan Overview. This is followed by the subsection two, Legal Authority of the Plan. Legal Authority is given through Article 66B – Maryland and Planning and Zoning Enabling Act, 1992 Economic Growth Resource Protection & Planning Act, and 1997 Smart Growth and Neighborhood Conservation Initiatives. Gaithersburg as an incorporated City is subjected to Article 66B – Land Use of the Annotated Code of Maryland. Section 3.05, of Article 66B requires the City's Master Plan shall be reviewed and if necessary revised or amended at least once every six years. The proposed 2003 Land Use Plan Element is recommending revising and amending the City's current Master Plan. The third subsection is the Master Plan Update. The Master Plan is designed to establish a vision and long-range plan for the City's future. It sets policies, identifies and evaluates community planning goals and areas of community concern, and in the final analysis, presents a recommended plan. This is accomplished through ongoing reviews and revisions of the land use themes and special studies areas and visioning process. The fourth subsection is the 2003 Strategic Direction Plan. On an annual basis, the Mayor and City Council adopt this Strategic Plan. The 2003 Strategic Directions will advance the goals, objectives and vision of the 2003 Master Plan Update. We have included the following items from the Strategic Plan: 1) the Strategic Direction Overview as it relates to the Master Plan to ensure that all planning and development considers and responds to the City's environmental, transportation, economic, social, and civic needs; 2) The Vision "Gaithersburg will be a City that," these are standards Gaithersburg has set to create a special place where people want to live, work, learn, and play; and this is followed by 3) the Guiding Principles. This is guided by the six pillars of CHARACTER COUNTS! Demonstrated by customer focus, open

communication, creativity, fiscal responsibility, cooperation, commitment of excellence, and continuous improvement. The fifth subsection is Themes. A host of nine Themes were created by the Mayor and City Council and Planning Commission following the initial visioning process for updating the Master Plan and adopted in October 7, 2002. The Themes will set the vision of the City and help with future policy decisions regarding the City's identity, redevelopment options; the location of town centers, environmental protection, transportation options the scope and scale of community facilities, housing needs, economic development and education. And as previously mentioned, the Themes were developed by the Mayor and City Council and Planning Commission to guide land use decisions. Each Theme does not stand alone and all should be considered as Master Plan decisions are made. Each Theme contains objectives. These are basically what we want. Each Theme has a series of new objectives that guides us forward in the scope of the Theme. Following the objectives, each objective has a set of actions. These are how we get it done. Each objective has a series of actions that provide implementation towards the guidelines. The nine Themes are: Identity – Gaithersburg is a community that has a remarkable sense of place, with a distinct identity and strong heritage, characterized by attractive public spaces; Redevelopment – Gaithersburg is a community that will encourage orderly and managed redevelopment of aging areas using the themes developed herein, with an emphasis on decisions that ensure the stability of the City and that seek the continuous collaboration of all stakeholders; Town Centers – Gaithersburg is a community that affirms the designations of the existing Town Centers which offer compact and efficient neighborhoods with vibrant centralized community-based focal points that attractively combine commercial, housing, civic, cultural, educational, transportation, and recreational opportunities; Environment – Gaithersburg is a community that preserves and enhances open space and critical environmental areas; highlights natural beauty in its land use plans in order for such areas to support ecological systems, serve as

award-winning parks, trails, and recreational facilities where public use is fostered through site design; and ensures a high quality of life that is sustainable for future generations; Transportation – Gaithersburg is a community that provides a wide number of transportation choices to overcome pressing transportation issues, including but not limited to encouraging mixed-use development, use of transit, bicycling, and pedestrian oriented urban design to reduce reliance on the automobile; Community Facilities – Gaithersburg is a community that has community services and public facilities that adequately serve the citizens and are planned to expand in an orderly, fiscally cost-effective manner to achieve sustainable goals; Housing – Gaithersburg is a community that offers a range of housing choices, while preserving the character of existing neighborhoods and providing connectivity to adjacent areas of employment, nature, recreation, services, and shopping; Economic Development – Gaithersburg is a community that encourages Economic Development with important jobs and businesses located only where infrastructure or capacity exists or can be improved; and Education – Gaithersburg is a community that coordinates closely with the Board of Education so they can assure that adequate school capacity is available when considering new development, growth in existing neighborhoods and ever changing demographics. Schools shall be sited so that they are well incorporated into the core of a community. The sixth subsection, city-wide growth pattern through annexations and Gaithersburg vicinity planning improves rational of annexation, state code amendment, and zoning issues, growth patterns through annexation, and Montgomery County Planning for Gaithersburg and Vicinity. Within the document, there is a chart providing the City's historical growth pattern through annexations from 1962 to today. The seventh subsection, population trends. Gaithersburg currently has 52,780 persons. The Gaithersburg vicinity contains 68,985 and Montgomery County contains 843,341 persons. The eighth subsection housing trends. In 1990, there were 15,513 housing units within the City. As of 2002, there are 21,462

housing units. There is an average annual housing growth rate of 2.8 percent between 1990 and 2000. Housing policies, there is a diversity of housing types for a broad range of citizens. Within the City, single family detached units are 20.4 percent, townhouses at 29.6 percent and apartments at 49.8 percent. The second main section of the Land Use Element is map designations. (Inaudible) map designation provides land use designations and zoning categories and these are the map designations provided in the Land Use Elements. And this one here illustrates the 57 map designations. Each map designation has (inaudible) same format. There is a tax map reference, tax map, property information and land use alternatives, and land use, and zoning actions. Within the Land Use Element, the following land uses are being provided as being recommended or retaining: low density residential; medium-low density residential; mixed residential, mixed-use, residential-office, commercial-office-residential, commercial-office, commercial/industrial-research-office, industrial-research-office, institutional, and open space. An example map designation, once again, they follow the same format which provides a tax map reference, a map designation and also a tax map. The background and in some cases land use alternatives, followed by the land use and zoning action. Now I will concentrate on the land use zoning action. After we looked through the background and land use alternatives, with the land use and zoning action, we can either designate the land use; at such time we will either adopt a new land use designation or retain the existing land use designation for that property. Or it can provide its own designation and we have a recommended change of zone or retain the existing zoning. And then also, in some cases, special conditions. And this occurs with map designations 11, 14, 20 and 57. This feature identifies the conditions of approval for development. These special conditions as subjected to additional public hearing. The final main section of the Land Use Element is Special Study Areas. And once again, this highlights the Special Study Areas, the ten. As of now, we have completed five. They include the Casey-Goshen Tract, Muddy Branch, Washingtonian Center,

Casey-Metropolitan Grove and Upton's Boston Market. These are the five remaining, Olde Towne, Crown Farm, Frederick Avenue North, Kentlands Market Square, and GE Tech Campus. Each study area is made up basically of the same once again, all in the same format. We started with the study area map and information, tax map reference, location, background, existing land use and physical characteristics, a special study area review, and the proposed land use options for each special study area. For the Casey-Goshen Tract, we are proposing, Map Designation 1 which is in yellow. It has two proposals, one to retain its existing land use for as mixed-use residential and the other is to designate a mixed use residential with commercial office component. Map Designation 2 in the green, is designated as open space. And as you know, we have recently approved the plan following Option A for mixed-use residential. The second special study area, Muddy Branch. This is broken up into two sections. The first map designation is the Festival at Muddy Branch Shopping Center. And this is to retain its commercial use. The second map designation is the Schultze Property. We are recommending two options, 1) to designate as open space and the 2) to designated as commercial. Washingtonian Center, there are three map designations in this case. The first is designated mixed-use commercial-office. The second map designation in blue, is designated as open space. And the third map designation down at the bottom to the south is designated as commercial/industrial-research-office. And once again as you know, Map Designation 1 has been recently approved for the mixed-use commercial/office use. The Casey-Metropolitan Grove Option A. As you recall during work session, the Casey-Metropolitan Grove had (inaudible) for each one. Option A, Map Designation 1, which is essentially located in this site, is designated as high density office. This is the office with the commercial component option. Map Designation 2, which is just north of the central Designation 1. This is designated as medium office. Map Designation 3, which is north of Watkins Mill Extended, is designated as low density office. And the fourth Map Designation just south of the site,

adjacent to 27 acres of City Park is designated as medium designated office, open space, and institutional. Casey Metropolitan Option B, is a private arts, entertainment and educational center. Map Designation 1, which is once again centrally located on the site and is designated for high intensity uses. Map Designation 2, located north of Watkins Mill Extend is designated for low intensity uses, and Map Designation 3 once again, the site adjacent to the 27 acres of City Park is designated as low intensity uses, open space, and institutional. Casey-Metropolitan Grove Option C, is a mixed use office-residential/commercial component. Map Designation 1, once again is centrally located (inaudible) and is designated as high density office and residential. Map Designation 2, which is located adjacent to Watkins Mill Extended, is designated as medium to high density residential. Map Designation 3, which is once again located adjacent to the 27 acre school site. It is designated as a medium density residential, open space, and institutional. At Map Designation 4, which is the large site just south of CSX Railroad track is designated as mixed-use residential-office-commercial. The final Special Study Area is the Boston Market. This site was designated for mixed-use residential-office-commercial. And once again, as you know, a plan was recently approved for mixed-use residential/office development. What have we accomplished up to now? The new Master Plan approached, adopted nine Themes, held 14 stakeholder meetings, held five joint Mayor and City Council and Planning Commission workshops, created 57 Map Designations, and completed five Special Study Areas. Where do we go from here? Adoption of the Land Use Element, a Special Condition Process, Comprehensive Rezoning Adoption, begin review of the remaining five Special Study Areas, and begin the update of remaining Master Plan Elements. And with that, that completes my presentation.

Katz

Thank you very much Mark. Any questions of Mark, if not, we are going to hear from the public. Ok. This is a time that the Mayor and Council and the Planning Commission will hear from anyone that would like to speak

on this public hearing topic. We asked that you please keep your remarks to no more than three minutes. Any additional testimony that you might have, can be submitted to the City and will be a part of the record just as your oral testimony. Please state your name and address for the record. And who would like to be the first to speak. If I can please ask Rodney to please come forward. What I am going to do is ask that, Rodney you can come forward. I know that there are going to be several speakers this evening, if we can have a second speaker come up and stand behind Rodney so that we don't have the time that it takes someone to come up. Who would like to be the next speaker after Rodney? Please, if you can do that please? Rodney if you can please begin.

Durst

Rodney Durst, 21 Cedar Avenue, Historic Preservation Advisory Committee, Hi my name is Rodney Durst, 21 Cedar Avenue, and I am speaking on behalf of the Historic Preservation Advisory Committee. Generally, we support the Master Plan, its land use objectives and proposals. At least nine map designations dealing with property for sites (inaudible). We would like to make some recommendations for four of them. Map Designation 11, the property owned by St. Marks Church on the corner of DeSillum and Frederick Avenue, currently has a historic resource on it and its lot has still retained its original configuration since 1911. We support this parcel being a residential use rather than a commercial-office-residential use. The CD Zone, we feel should not be applied to this parcel. We would like to see the house maintained so that we can maintain the original (inaudible) and physical characteristics of the property. Map Designation 13, Summit Hall Farm, this is a document in the Civil War site and should be preserve and interpreted in a manner that promotes the strongest historical connection. It is now part of the Gettysburg Civil War Trail which was inaugurated in June of this year. Additional recreational facilities in front of this property are not appropriate to such an important site. The committee has also supported and continues to support an overall Master Plan for this property that will

provide historical interpretation and which will preserve many historical structures on the site. Map Designation 16, Oakmont Manor which is not currently within the City limits. There are elements which should be evaluated for preservation and this can be further advanced through the annexation process should this ever occur. Map Designation 28 and 32, pages 91 and 96, are the two commands, control and launch sites for the former NIKE Missile complex. These were critical components of the defense of Washington, D.C. during the Cold War Period, 1945 – 1989. We support the open space designation and urge consideration of the development as a museum and Cold War historic with a Cold War historic emphasis. The Historic Preservation Advisory Committee understands that this public hearing is for the Land Use Element of the Master Plan and we are willing to help with the drafting and the historical preservation element of the Master Plan. Thank you.

Katz

Thank you. If you can come forward and who would like to be the next speaker after this speaker. Is there a show of hands if someone is going to speak next? No one else is going to speak at this public hearing? Please if you can find your way over as she speaks please. Yes.

Erickson

Janice Erickson, 205 Longdraft Road, Bennington Community Association Board of Directors, Hi, I'm Jan Erickson at 205 Longdraft Road and I am here to represent the Bennington Community Association Board of Directors. And we wanted to thank you the Council and Planning Commission for all your hard work that you put into this draft Master Plan. And we appreciate the balance approach to develop that you have embraced in the process. The Bennington Board wants to go on record in support of four key elements and the overall recommendation for the Casey Tract/Metropolitan Grove Special Study Area. These include a clear commitment to have infrastructure in place before development can proceed. The commitment to hold a community charrette before any development plan is submitted. The designation of property south of

Watkins Mill Road for a school site and the requirement that development on the site incorporate green building techniques. But we have serious concerns about two issues. One is the development assumption state that the northern wooded portion be used as park land. Discussion among our citizens and the Council have emphasized that residents of that area feel strongly that the northern portion should be left as undeserved woodland. We would like this to be clearly stated so that future planners may not misconstrue park to mean baseball fields and things of that nature. The Planning staff decided on alternative one for the CCT rail yard that is directly across from Bennington with a solid wall and landscaping supposed as adequate screening. The Bennington Board cannot (inaudible) strongly enough, its total opposition to this proposed site. We feel that Bennington is a beautiful residential development and we don't believe there is any reason for the City of Gaithersburg to offer up this location next door to us for a rail yard. That would create the possibility of extensive visual and (inaudible) pollution for a long established residential development. We strongly urge that this alternative be entirely removed from the Master Plan. It is because we lack to issues that the choose not to endorse this proposed land use options as discussed in the draft Master Plan at this point. Thank you.

Katz

Thank you. Next is Dick Arkin and after Dick, who would like to be the next speaker? Mr. Arkin. Is there anyone else in the audience who is going to speak on this topic? Mr. Arkin. It looks like you are going to get the last word. No there is someone else. If you can stand up please. I didn't think that was going to happen Dick, but go ahead.

Arkin

Richard Arkin, 121 Selby Street, first I want to commend you all on the addition of the Themes of the planning document. The (inaudible) of the Strategic Plan and its objectives. However, I would respectfully suggest that these concepts and (inaudible) is no replacement for the comprehensive planning process. I have an overall concern with the

document and its approach. And again, with all due respect, I will submit that the approach is backwards. I would suggest that a true comprehensive plan should follow the direction that it was given to the City by the Urban Land Institute who started this process. It should begin with a true visual process that would involve the entire City. And then go to the overall goals and objective concepts such as boundaries, neighborhoods, transportation, public facilities, environmental protection, economic development, historic preservation, and that land use would come toward the end of the process just before zoning. This would be recommended to the Mayor and Council by the Planning Commission and then the Mayor and Council will have its own opportunity to revise, correct, change or amend. There is some merit in what the City is doing examining these parcel by parcel and then developing conversely some overall concepts. I would submit that the overall comprehensive approach as I believe is contemplated by (inaudible) would be better. No only is this process incomplete, but even the elements that is before you tonight is incomplete because of many of the special study areas and some other parts of the City are really not involved. Are really not before you tonight. I would suggest that a piece meal plan which is not the piece meal, is really inconsistent to the goals and objectives of the comprehensive plan. (inaudible) specific points, the nature of open space I believe needs to be decided (inaudible) so there is a clear perception of (inaudible) open space. I would suggest to that some vision or sub plan such as the plan for Asbury Village for example, should be incorporated not only by reference, but should be specifically set forth in the plan. I have a number of comments on individual sites. I'm sure I am close to my three minutes so I will submit those in writing.

Katz

Thank you. Next will be Robert. Is Mark going to speak? If you can make your way up please.

Fireovid

Robert Fireovid, 31 Goodport Court, in the Bennington community. Mayor and City Council I would like to talk about the issue of Casey-Metropolitan Grove. I will probably echo similar comments again, but this is the last area in the City of Gaithersburg that the kind of natural, nature, wildlife that was here when, before Columbus arrived. It is our natural heritage. And for some of us this evening, our ancestral heritage as well. And it is the last chance I view as a way for the City to protect this last bid of our heritage. I know there has been discussion in the past about growth and development and the need for economic vitality. And I know I have mentioned before and I brought some copies from book that talks about the fact that there is no correlation or variable correlation between growth and economic vitality. The per capita income is really not impacted. So for an average person, like myself and all of us, to have continued growth really doesn't help us as individuals. And I know that the Planning Commission has worked very hard on this, but I still disappointed in some of the options that were presented and the fact that the green space is not being protected. But I think that in all due respect to their efforts, they haven't been given the tools either to help protect that area. I think that the City needs some kind of avenue, some kind of zoning to protect undeveloped land. And so, I hope that the Council considers that as they consider these plans. Thank you.

Katz

Thank you. Next is going to Mark and then if Dan if you would like to be right after Mark.

Hackman

Mark Hackman, 64 Appleseed Lane, Gaithersburg, President of Shady Grove Village III. I have two questions before I get to my comment on the Master Plan and guess these will directed to Mark based on the presentation he gave this evening. And I have a question on two of the slide and one is on community facilities. It states that Gaithersburg is a community that has community services and public facilities that adequately serve the citizens and are planned to expand in an orderly,

fiscally cost-effective manner to achieve sustainable goals. In my opinion, humble opinion, that is backwards. You need infrastructure first before development. Put the burden on the developers to develop the infrastructure. My second question on the slide for housing trends where Mark went through it and was writing notes and then I looked at the next slide. It gives a breakout of single family detached town homes and apartments. My question is, in the apartment category, does that include condominiums, number one and question number two, what is the statistic for low income housing in the City of Gaithersburg. So those are my questions to the presentation that was given. And now for my comments. Now I'm being selfish here and I focusing on a map designation that is close to my property, my community I should say. And it is Map Designation 26, page 87 through 89, and the first issue that I have concerns with is on paragraph two of that page, where it states "permits office buildings are limited to the square footage cap outlined in the annexation agreement in the companies sketch plans for supporting businesses (inaudible) contained within a non-residential building. My question is, my statement is that I believe that statement itself is a little premature. Considering that the whole issue regarding whether the annexation agreement density, the maximum density outlined in the annexation agreement versus what was stated in the 1997 Master Plan, 500,000 foot cap (inaudible) space in that building is before the Court of Appeals so I don't think that that is appropriate to be in the Master Plan at this time until we have a response from the Court of Appeals. Secondly, I would like for somebody to explain that in the 1997 process, there was a citizen's community, community citizen's board which was put together to look at the Master Plan for neighborhood three, and some how they came to the conclusion of 500,000 square feet on that particular office space as a cap. Yet this has never been explained to the (inaudible) how that group of people came to that conclusion. Next, I think the City needs to consider its public policy with respect to speculative office buildings on how speculative office buildings cannot control the amount of traffic going in

and out of a piece of property, unlike a corporate headquarters or a single entity going into a space that can control their employees by not only carpooling, but using public transportation. I guess I will submit my comments to that in writing.

Katz You are close to your three minutes anyway Mark. If it is alright with you, and I am going to ask Mark DePoe to make a list of your questions and he will get back to you.

Hackman I will put those questions in writing.

Katz Thank you. Dan Reeder. And who is going to be after Dan. Please if you will come forward.

Reeder Daniel Reeder, 11520 Game Preserve Road, first of all I would like to acknowledge and the appreciation of all the citizens of Gaithersburg had throughout this whole process to staff, the Mayor and the City Council and Planning Commission. I think you have done a great job over the past year and in this entire process. Also, contrary to what we did in prior Master Plan process with the six neighborhoods, I thought the new approach actually worked well using the Theme-base approach and the special study areas which concentrated on the detail at the local level. And I know Mr. Arkin brought up some points that yes, maybe it's not perfect, but is an improvement over previous efforts of Master Planning. Also, during the entire process, I think the City made concerted efforts to involve its citizens in the process – business community, Montgomery County Public Schools, State Highway Administration, Maryland Transit Administration, and Park and Planning. And I thank everyone that was involved in the process gave pretty good input so I appreciate that from every party. I have a few comments concerning the Themes in the Master Plan. First one, education and schools, I don't think there is another thing I can add under education of schools. You guys took the initiative to

understand the problems with the schools. So you thoroughly understand it and I think the City of Rockville understands it also. All we need now is for the big county to understand it. The theme for the environment is quite comprehensive and I think if you really follow the objectives set forth in the Themes for the environment it will provide for a high quality of life in Gaithersburg for all its citizens. Under the Transportation Theme, there is one little part in there when you talk about traffic impact studies and critical lane volumes. When we have problems there, when you are trying to facilitate a new develop, the state has a certain grade level D and what not and I think that is the problem. We inspire the state level and the county to fix the problems for failure back to just above failure. And so I hope that the City of Gaithersburg would somehow inspire to do when they fix problems to inspire to fix things a little better than just above failure. Concerning the Corridor Cities Transit way, I ask for you to support alternatives for any possible maintenance facility in current industrial areas only (inaudible). And that you also evaluate the (inaudible) supporting (inaudible) alignment alternative such as the one, the Kentlands alignment and things of that nature. Listen to the citizens who live here and evaluate their concerns.

Katz You are at three minutes.

Reeder One final comment concerning the Metropolitan Grove special study area, I think it is extremely important that we stick to the staging objectives set forth, that exist in the Master Plan right now. And that infrastructure is in place before any development occurs. Thank you.

Katz Thank you Dan. Next is Mike. Who is next? If you can please come up as he is speaking please.

Sesma Michael Sesma, 710 Hope Lane, West Riding community. I guess I want to echo what Dan just said. And actually I find myself straightly enough,

more often now agreeing with Mr. Arkin. I think a closer view of the Master Plan is a good thing. He made some good points. I think that in fact when we look at study area six and realize that the infrastructure that we want to see is actually going to connect that intimately with the study area. Study area seven and study area six are going to be (inaudible) even though they are going to be divided by I-270 and I think the developers for both of those two, if it happens, is important to consider. But the first thing that I wanted to touch on, the main thing I want to touch on is Monday night, a week ago, we heard from the Maryland National Capital Park and Planning Commission which basically, we finally have reality check from the county or the Planning Commission that the county and this area of the county especially fails in the after schools test and the transportation and roads test. And I think that just illustrates the importance of having infrastructure in place before drastic changes have a direct impact on traffic and school capacity. Just tear it up or approve it. So I think that, most of the times I've testified in the last year, I have focused on the Casey-Metropolitan Grove, actually probably for the last two years, mostly relating to the education capacity problems in the area. I think there are some good alternatives here. The Council knows what I would like to see here something that is unique and will be a destination for the City that doesn't possess a future like an entertainment and arts and education center, Plan B. It is not inconsistent with the mixed-use development. It doesn't add to our school capacity problems and it can stage with the infrastructure as well and again it would provide something unique that Gaithersburg can offer for the entire upcounty region and probably as far as the state as well. So I would hope that the Council consider infrastructure first and when that is in place, I think the community (inaudible). Again, I want to thank staff and the Council for their work and for their desire to seek out citizen input.

Katz

Next is this lady and then after that, is this gentleman coming to speak? Please.

Gurdian Good evening. My name is Rhonda Gurdian and I live at 9025 Centerway Road. I'm not an economist and I'm a scientist. I'm just here representing myself and speaking from my heart. First I want to commend the City on how well the City has developed over the years. I've lived here for 20 years and I've have enjoyed every minute of it. I think it would be appropriate if one your finishing touches were to preserve one of the last forest areas located in the Metropolitan Grove special study area. (inaudible) option presented tonight, but I thought I would speak my heart anyway. I think we should remember that the world is not just about people, it is about all living things. Preserving that area will not only protect a part of Gaithersburg's natural heritage, it provides a habitat to host living things that have made Gaithersburg their home. Two they provide no revenues. Life if more than a sum of money, at least it should be. And I think we owe it to our creator to preserve at least a part of its creation for all to enjoy. Thank you.

Katz Thank you.

Falcao Hello, I'm Joan Falcao, 31 Goodport Court, adjacent to the Casey Metropolitan Grove Tract. I'm not going anything original. I am going to echo what others have said because I want to be sure that our elected officials are listening to us. We go to private schools and tolerate congestion on our roads. We all know those temporary units they slap on the schools, make them look like gypsy camps and I'm very frustrated. Driving on Clopper Road even in the middle of the day, 10 a.m., 2 p.m., (inaudible) light cycles on Quince Orchard Road. I just want to emphasize the importance of developing the infrastructure before we allow other commercial or residential facilities to be built on that tract. Thank you very much.

Katz Thank you. Next. Please.

Preuninger Chantal Preuninger, 4 Sanders Court. I would like also to thank you for all the work you have done so far. As I was reading about the process here. The like the idea (inaudible) for pleasure, but because from Europe, I would like to see them all around town. (inaudible) Also why not expanding the Metro line through town. Would there be a provision in the Master Plan for something like that? (inaudible). Could Gaithersburg improve its revised Master Plan the (inaudible) growth policy? Thank you.

Katz Anyone else in the audience please? Is there anyone after this gentleman who would like to speak?

Unknown Hello my name is Nick (inaudible), my residence is 9312 Tulip Grove Road. I would just like to iterate my belief that (inaudible) wrong ideas of progress to be define to the realm of economic growth and development. It is my firm view that the reason our communities are so high is value is because the relative lack of congestion and (inaudible) companies as a development. We need to make a realization that the maintenance of the beauty of our natural environment is one of most important elements of progress. (inaudible) enjoyed best and it is one that is going to be the hardest to recover. Therefore, I recommend that this Council vote to reserve any parcel of land currently not developed or are already in the process of being developed.

Katz Thank you. Rick please.

Marvin Rick Marvin, 223 Little Quarry Road. They said everything pretty much that I wanted to say. But I do want to emphasize the results of the traffic study for the traffic from the Casey Goshen study. And that specified there that the transportation improvements should be in place at the time that the density is in place. The comments that I heard a lot of times from various people is, well we can't do anything because the county controls

everything around it and we may as well go ahead and do it anyway. We are not in a mud wrestling match, we don't have to jump into the mud all because we are going to get pushed later. Let's try and stay out of it as long as possible. Thank you.

Katz Thank you. Anyone else in the audience please. Well, I don't think we should end in a mud wrestling match so does anyone else want to speak. Looks like we are going to end that way. It has been suggested by our staff that the Planning Commission hold their record open for forty (43) days which would bring it to September 2, 2003. And that the Mayor and Council hold our record open for fifty-one days (53) which will bring our record to September 10, 2003. What is the pleasure of the Planning Commission?

Keller What is the motion?

Levy I move that the Planning Commission hold its record on MP-1-03, 2003 Master Plan, Land Use Element Amendment for forty-three (43) days.

Winborne Second.

Keller It's been moved and seconded by the Planning Commission. All those in favor?

Commission Ayes (3-0)

Keller Motion passes 3-0.

Katz What is the pleasure of the Council?

Marraffa Mr. Mayor, I moved that we hold MP-1-03 open for fifty-one (51) days.

Somerset Seconded.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes (4-0)

Katz Opposed? Carries unanimously as well.

END OF JOINT PUBLIC HEARING
MP-1-03
Master Plan Amendment

COMMUNICATION: PLANNING COMMISSION.

MEMORANDUM TO: Mayor and City Council

VIA: David Humpton, City Manager

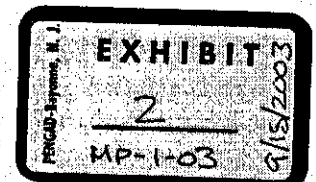
FROM: Mark DePoe, Long-Range Planning Director

DATE: September 10, 2003

SUBJECT: MP-1-03 - Master Plan Amendment, 2003 Land Use Plan
An Element of the City of Gaithersburg Master Plan

At its regular meeting on September 3, 2003, the Planning Commission made the following motion:

Commissioner Bauer moved, seconded by Commissioner Hicks,
to APPROVE Resolution PCR-2-03 approving an amendment
to the General Plan of the City's Master Plan and to
RECOMMEND to the City Council ADOPTION of MP-1-03.
Vote: 4-0 (Absent: Commissioner Winborne)



Planning Director Jennifer Russel

RESOLUTION NO. PCR-2-03

RESOLUTION OF THE PLANNING COMMISSION
APPROVING AN AMENDMENT TO THE GENERAL PLAN
FOR THE CITY OF GAITHERSBURG MASTER PLAN
REVISING THE LAND USE ELEMENT AND
PROCESS AND CITY OVERVIEW

(MP-1-03)

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommend same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to insure the logical development of public and private property in appropriate relationships; and

WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the City has revised its approach for preparing its land use element from the review and update of planning neighborhoods to the city-wide review and update of special study areas and planning map designations through a comprehensive theme-based approach.

WHEREAS, the Gaithersburg Planning Commission has embarked on City-wide land use amendments as part of the revisions to the 1997 City Master Plan; and

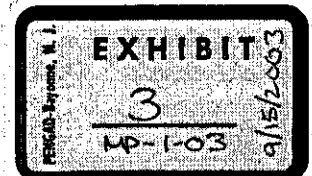
WHEREAS, such City-wide land use plan amendments are for the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the entire City and which will, in accordance with present and future needs, best promote the health, safety, order, convenience, property and general welfare, as well as efficiency and economy in the process of development; and

WHEREAS, the draft Land Use Plan, dated May 8, 2003, outlined specific land use recommendations on a City-wide basis that includes five (5) special study areas and fifty-seven (57) map designations with supporting information that incorporates the master plan process and city overview; and

WHEREAS, the aforementioned draft plan was the subject of a joint Planning Commission and Mayor and City Council public hearing on July 21, 2003 (MP-1-03); and

WHEREAS, a thorough review and study of testimony, correspondence and other documentation on the draft plan was completed through a series of stakeholders meetings and public work sessions, a joint public hearing, and a Planning Commission discussion on September 2, 2003; and

WHEREAS, a zoning text amendment (T-228) was adopted by the Mayor and City Council on December 3, 1984, granting powers whereby special conditions for development and use of property can be addressed as part of the land use element of the Master Plan and are binding at



time of the site development review by the Planning Commission (Ordinance No. O-23-84); and

WHEREAS, the application of special conditions, the comprehensive rezoning, and the site plan review process are all tools whereby the development type and staging (i.e. numbers of residential units and square footage of development space principally in relation to road and school capacity) adopted as a guide in the draft Land Use Plan may be further refined and revised by the Mayor and City Council and/or the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City of Gaithersburg Planning Commission that the General Plan for the City of Gaithersburg, approved by this Commission on December 30, 1974, and last amended on December 13, 2000, be and it hereby is further amended as follows:

The Master Plan Land Use Element, dated May 8, 2003, consisting of the Land Use Plan that contains five (5) distinct "Special Study Areas" and fifty seven (57) citywide "Map Designations" and the Master Plan process and City overview supporting information is hereby approved subject to the following revisions to:

- Page 6, Add the following sentence, "Some of these special study areas will contain special conditions relating to approval of development to be consistent with the requirements of the Master Plan." after the first sentence in the third paragraph of the Special Study Area section.
- Page 6, Following Special Study Areas section add a section entitled, "Special Conditions" with the following statement, " An important feature of the Master Plan is to identify conditions for the approval of development of certain identified properties and areas to implement Section 24-170A and Section 24-160D.10(b)(3) of the City Zoning Ordinance. Schematic development plans under the MXD zone and for all site development planning irrespective of the zoning district for properties and/or areas containing special condition requirements may only be approved upon a finding of compliance or consistency with the special condition set forth in the Master Plan and these conditions are mandatory in terms of approvals of schematic development plans under the MXD zone and for all site development planning irrespective of the zoning district."
- Page 7, Eliminate the "Special Study Areas" title and the paragraph that follows. This paragraph is a duplicate of a previous paragraph of page 6.
- Page 139, Following the second paragraph under Special Study Area Review add the following statement. "The development of this property is governed by a second addendum to annexation agreement dated April 22, 2003. The recommendations below must be consistent with the terms of the second addendum and any inconsistency shall be resolved in favor of the terms and provisions of the second addendum."
- Special Study Area 7: Casey Metropolitan Grove Road, Include a special condition for each development option that requires the areas designated as "Park" to be preserved, as much as possible, in their present condition and that any such development that may occur shall limit the amount of disturbance and protect the environment.

The primary intent of the open space designation is to protect natural resources and environmentally sensitive areas, to establish additional parkland, and to confirm city-owned property or privately owned property that has been designated, protected or preserved as an easement, open space, green space, outlot, active or passive parkland, or deemed undevelopable per an approved schematic development plan or site development plan.

The map prepared by the City of Gaithersburg Planning and Code Administration, entitled "City of Gaithersburg Master Plan Map Designations and Special Study Areas 2003" is hereby approved.

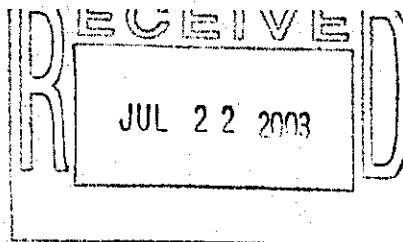
WE DO HEREBY CERTIFY that the above resolution was adopted by the City of Gaithersburg Planning Commission by the following vote of 4-0, with Commissioner Winborne being absent, on September 3, 2003:

Commissioner Victor E. Hicks

Commissioner Leonard Levy

Blanche Keller, Chairman
Gaithersburg Planning Commission

John Bauer, Secretary
Gaithersburg Planning Commission



LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

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SOO LEE-CHO
W. CHRISTOPHER ANDREWS
*Of Counsel

July 21, 2003

Mayor and City Council
Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

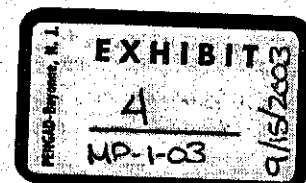
RE: City of Gaithersburg's May 8, 2003 Draft Master Plan Land Use Element

Dear Mayor, City Council and Planning Commission Members:

On behalf of BP Realty Investments, LLC, contract purchaser and developer of what is called the Casey West or Parklands property adjacent to I-270 within the City, and the Eugene B. Casey Foundation, owner of the Casey West property, we offer the following testimony regarding the above-referenced draft master plan land use element.

As you know, in 2001 we filed with the City applications SDP-01-001 and Z-278A for development of the Casey West property pursuant to the City Master Plan, zoning ordinance, and approved Sketch Plan.

We have reviewed the draft master plan land use element and, in particular, the recommended proposals for "Special Study Area 7: Casey-Metropolitan Grove Road," which encompasses our property. In reviewing those recommended proposals, including the development requirements and three possible land use options, we wish to inform you that each of the proposed options makes any development of our property economically and practically infeasible. We would also note that many of the requirements and restrictions recommended for development of the vacant land within Special Study Area 7 (which is mostly our land) apply to no other properties within the purview of the City's draft master plan.



We continue to register our strong objection to the City's tactics as they relate to our clients' rights and to their property.

Sincerely yours,

MILLER, MILLER & CANBY

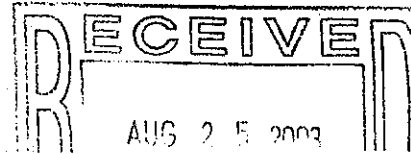
JODY KLINE

Jody S. Kline

JSK:dlt

cc: David Humpton
Jennifer Russel
Stanley D. Abrams, Esquire
Eugene B. Casey Foundation
BP Realty Investments, LLC

Distribution: M&CC
JR



Rockville Chapter

Distribution M&C: 9/2/03

Izaak Walton League of America

18301 WARING STATION ROAD
GERMANTOWN, MARYLAND 20874
<http://www.iwla-rockville.com/>

August 22, 2003

The Honorable Sidney A. Katz, Mayor
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

Dear Mayor Katz:

I am writing you on behalf of the Rockville Chapter of the Izaak Walton League of America, Inc., a 350-member conservation organization dedicated to the protection of America's woods, water and wildlife. We are located on 35 acres at 18301 Waring Station Road, Germantown, MD, 0874, which is contiguous to Seneca State Park. Additionally, we own 15 acres with a lake off of Clopper Road, within the confines of Seneca State Park.

The Rockville Chapter recommends that the City of Gaithersburg designate Tax Map FT 43 Parcel P87 as Open Space land use designation because of its proximity to Seneca State Park and Seneca Creek. We believe that the property should be preserved as parkland in order to help protect Gaithersburg's woods, water and wildlife, especially because of its proximity to Seneca State Park.

Thank you for your consideration of our recommendation.

Sincerely,

Peter Grahn
Corresponding Secretary
for
Peter Grahn
President

cc (by email):
City Council members
Planning Commission members

Distribution M&C: 9/2/03

From: Mary Beth Smith
To: dhumpton
Date: 8/26/03 9:02AM
Subject: Fwd: Casey Tract/Master Plan

>>> "Janice & Mark O'Connor" <janmark@erols.com> 08/25/2003 10:41:18 PM >>>
 25 August 2003

Dear Mayor, City Council and Planning Commission,

We were unable to attend the last hearing regarding the subject property and submit herewith the following comments to be included with the city's record on this matter.

While considering the master plan it is important that you each consider addressing the primary needs and concerns of our city before continuing further development of the last standing forested area in Gaithersburg. The theme the city should keep in the forefront of planning is that of alleviating (or at least relieving) the overcrowded conditions that surround us daily. Our main roads and even side streets are strained by the sheer volume of traffic going into and out of the city. This, in an economy where many local and area businesses have been forced to shut down and reduce head count. Imagine when the economy picks up again, how many more vehicles will be on the road. An international bio-tech corporation will be moving to Gaithersburg shortly and will introduce even more traffic and worsen an already stressful situation. As this area flourishes with hi-tech firms we must not be planning more development. There needs to be a balance between infrastructure and development and currently we are grossly under developing our infrastructure.

The master plan must also consider issues relating to not just overcrowded streets, but overcrowded schools. The city has set a precedence in their ability and willingness to work with the MCPS Board of Education and those efforts are truly appreciated. Please plan development carefully and with a focus on catering to the needs of our children and planning such that we don't contribute to an already unacceptable standard of school living.

Ideally, we would love nothing more than for the subject tract to remain in tact and not be disturbed. We implore you to first address the issues related to the city's greatest needs -- and that remains schools and roads.

Thank you for your attention and continued direction.

Sincerely,
 K. Mark & Janice O'Connor
 207 Sportsman Way
 Gaithersburg, MD 20878
 301-208-0630

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
ADOPTING AN AMENDMENT TO THE GENERAL PLAN
FOR THE CITY OF GAITHERSBURG MASTER PLAN
LAND USE ELEMENT AND PROCESS AND CITY OVERVIEW

AS APPROVED AND RECOMMENDED BY
THE PLANNING COMMISSION ON SEPTEMBER 3, 2003

AS ADOPTED BY THE MAYOR AND CITY COUNCIL ON SEPTEMBER 15, 2003

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommends the same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to insure the logical development of public and private property in appropriate relationships; and

WHEREAS, Section 3.08 of Article 66B of the Annotated Code of Maryland states that the local legislative body shall adopt the plan and or amendment thereto, and

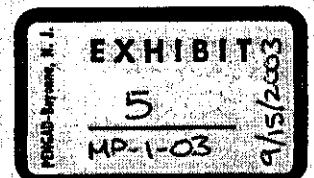
WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the Mayor and City Council have held a series of public sessions to work on elements of the text of recommendations to include in this Master Plan Amendment, including certain special study areas and map designations; and

WHEREAS, the Planning Commission held a joint public hearing with the Mayor and City Council on July 21, 2003, on a proposed amendment to the General Plan revising and amending the Master Plan Land Use element and process and city overview, and after careful survey and study of present conditions and anticipated future growth to the City and the adjacent area, the Planning Commission approved Resolution No. PCR-2-03 on September 3, 2003, being the approval of a master plan amendment entitled 2003 Master Plan Land Use Element and Process and City Overview, and transmitted an attested copy of the same as its recommendation to the Mayor and City Council which is hereby attached and incorporated as part of this resolution; and

WHEREAS, the General Plan and amendments made from time to time, provide a general framework for assisting the Mayor and City Council and City Planning Commission in making land use policy and facilities decisions:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that a general plan amendment known as 2003 Master Plan Land Use Element and Process and City Overview, thoroughly reviewed by the legislative body during the joint public hearing conducted on July



21, 2003, approved by the City Planning Commission on September 3, 2003, and recommended to the legislative body (as PCR-2-03) is hereby adopted by the Mayor and City Council as an amendment to the General Plan for the City, the *1997 City of Gaithersburg Master Plan*, as heretofore amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that all other recommendations of the City Planning Commission, pursuant to the adoption of PCR-2-03 and all subsequent Resolutions by the City Council, are hereby approved and ratified to the extent not inconsistent with this Resolution. Maps and illustrative material may be revised where necessary to conform to City Council actions. The text may be revised as necessary to achieve clarity and consistency and to convey the actions of the City Council.

ADOPTED by the City Council this 15th day of September, 2003.

Sidney A. Katz, Mayor and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
on the 15th day of September, 2003.

David B. Humpton, City Manager